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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/750,104

12/29/2000

Samuel N. Zellner

BS00-027

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11/15/2005

CANTOR COLBURN LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

EXAMINER

SHERKAT, AREZOO

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 09/750,104 | Applicant(s) ZELLNER ET AL. | |
| | Examiner Arezoo Sherkat | Art Unit 2131 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-42, 44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-42, 44 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/12/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/12/2005 has been entered.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 31-42 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Amini et al., (U.S. Patent No. 6,698,021 and Amini hereinafter).

Regarding claim 31, Amini discloses a system for enabling an outside entity to control device: at a location, the system comprising:

- (a) an internal computer system associated with the location (Col. 5, lines 39-53);
- (b) a sensing apparatus associated with the internal computer system, wherein the sensing apparatus can detect a triggering event at the location (Col. 9, lines 35-65);
- (c) a firewall in communication with the internal computer system, wherein the firewall is adapted to verify identity information associated with the outside entity (Col. 4, lines 55-67 and Col. 5, lines 1-25, and Col. 6, lines 13-33), and
- (d) a device associated with the internal computer system, wherein the device can be controlled by the outside entity via the internal computer system (Col. 5, lines 30-60), wherein when the sensing apparatus detects the triggering event the internal computer system establishes a communication session with the outside entity via an external computer network (Col. 8, lines 59-67 and Col. 9, lines 1-35),
wherein the outside entity provides identity information to the internal computer system, wherein the firewall creates a secured tunnel for the outside entity to access the internal computer system (i.e., private network 340 is a private backbone network that may be controlled by the service provider that controls the operation of off-site storage site 330), wherein the outside entity uses the information retrieved from a database to control the device during the communication session (Col. 7, lines 5-67 and Col. 8, lines 1-20), and
wherein only the outside entity can terminate the communication session (Col. 9, lines 1-35).

Regarding claims 32 and 37, Amini discloses wherein the identity information comprises a password (Col. 6, lines 12-34).

Regarding claims 33, 38, 40, and 42, Amini discloses wherein the identity information comprises a digital certificate (Col. 6, lines 12-34).

Regarding claims 34, 39, and 44, Amini discloses wherein the digital certificate is authenticated by a certificate authority (Col. 6, lines 12-34).

Regarding claim 35, Amini discloses wherein the external computer network (i.e., publica network) is the Internet (Col. 6, lines 12-34).

Regarding claim 36, Amini discloses a method for encabling an outside entity to control devices at a location, the method comprising the steps of:

a) associating at least one device with an internal computer system at the location (Col. 5, lines 39-53);

b) reporting a triggering event associated with the location to the outside entity (Col. 9, lines 35-65);

c) initiating a communication session between the internal computer system and the outside entity through a secure tunnel over an external computer network wherein

the communication session is initiated by the internal computer network (Col. 6, lines 12-34);

d) verifying identity information provided by the outside entity (Col. 6, lines 12-34);
and

e) allowing the outside entity to control the device during the communication session (Col. 15, lines 30-67 and Col. 16, lines 1-67), wherein only the outside entity can terminate the communication session (Col. 9, lines 1-35).

Regarding claim 41, Amini discloses a method for enabling an outside entity to handle a situation at a location, the method comprising the steps of:

a) associating at least one device with an internal computer system at the location (Col. 5, lines 39-53);

b) reporting a triggering event associated with the situation at the location to the outside entity (Col. 9, lines 35-65);

c) initiating a communication session between the internal computer system and the outside entity through an external computer network (Col. 6, lines 12-34);

d) providing a first identity information associated with the internal computer system to the outside entity, e) and providing a second identity information associated with the outside entity to the internal computer system, f) authenticating both the first identity information and the second identity information, (g) establishing a secure tunnel through a firewall associated with the internal computer system if both the first identity information and the second identity information are authenticated (i.e., private network

340 is a private backbone network that may be controlled by the service provider that controls the operation of off-site storage site 330)(Col. 6, lines 12-34); and

h) allowing the outside entity to control the device during the communication session (Col. 15, lines 30-67 and Col. 16, lines 1-67), wherein only the outside entity can terminate the communication session (Col. 9, lines 1-35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amini et al., (U.S. Patent No. 6,698,021 and Amini hereinafter), in view of Vaios, (U.S. Patent No. 6,271,752).

Regarding claim 45, Amini does not expressly disclose wherein the triggering event is a call from a voice-over-Internet-protocol (VOIP) device.

However, Vaios discloses wherein the triggering event is a call from a voice-over-Internet-protocol (VOIP) device (Col. 8, lines 1-65 and Col. 9, lines 1-64).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify teachings of Amini with teachings of Vaios because it would allow to include wherein a person may be called to control video

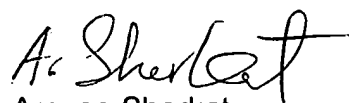
camera stationed at the remote called party's location as disclosed by Vaios. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Vaios to provide surveillance access when needed, rather than monitoring the area full time (Vaios, Col. 1, lines 60-67).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arezoo Sherkat
Patent Examiner
Group 2131
Nov. 7, 2005



AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100